

18 pages

Resolution No. 174

WHEREAS, this Board did on November 9, 1977 receive a petition requesting the zoning of an area as described in Exhibit "A" attached hereto and by this reference made a part hereof.

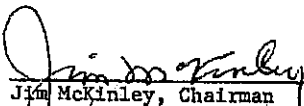
WHEREAS, the petition was signed by more than sixty percent (60%) of the freeholders within such area, and thereafter public hearing was held, as required by law, by the Ravalli County Planning and Zoning Commission on December 8, 1977 and thereafter the Commission met again on February 9, 1978, at which time the petition was granted.

WHEREAS, Resolution No. 006 containing the provisions for regulations controlling the zoning of area petitioned for was passed and adopted by the Ravalli County Planning and Zoning Commission under date February 9, 1978.

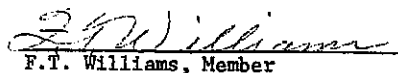
NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Ravalli County, Montana, do hereby approve and accept the recommendations of the County Planning and Zoning Commission and hereby the resolutions granting said petition for creation of Ravalli County Planning and Zoning District No. 11.

PASSED AND ADOPTED this 21st day of February, 1978.

BOARD OF COUNTY COMMISSIONERS  
Ravalli County, Montana

  
Jim McKinley, Chairman

  
Hugh G. Cumming, Member

  
F.T. Williams, Member

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RESOLUTION NO. 726

BE IT RESOLVED, that whereas a petition was filed with the Board of County Commissioners of Ravalli County, Montana, for the creation of a Planning and Zoning District in an area within the boundaries described in said petition and shown on map submitted therewith, and.

WHEREAS, the petition was filed by more than sixty percent (60%) of the freeholders within such area, and,

WHEREAS, the County Commissioners thereupon appointed a Planning and Zoning Commission in accordance with the provisions of Chapter 41, Title 16, R.C.M. 1947, as amended, and,

WHEREAS, the Planning and Zoning Commission thereafter, by order, directed that notice of a public hearing be given as required by law, and such notice was thereafter given and a public hearing held.

NOW THEREFORE, it is ordered and this does order that there is hereby created Ravalli County Planning and Zoning District No. 11, said district is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

IT IS FURTHER ORDERED, and this does order, that the following shall govern the use of lands and structures within the Planning and Zoning District No. 11 :

**A. INTENT**

This district recognizes the existence of rural areas that will come under pressure for residential development. This zone provides for a transitional low density residential district between urbanized areas and agricultural uses, as well as provides a zone that may be used to meet residential needs while limiting density to recognize environmental concerns. Planned unit developments and planned variations are encouraged to preserve agricultural land and to enhance environmental amenities found in rural areas.

## B. SPACE AND BULK REQUIREMENTS

Maximum residential density.....One (1) dwelling per Nine (9) Acres.  
Minimum required yard - front.....Fifty (50) feet.  
                                - side.....Fifty (50) feet.  
                                - rear.....Fifty (50) feet.  
Maximum building height.....None.

### C. PERMITTED USES

1. Single family dwelling.
2. No Mobile Homes.
3. Accessory buildings and uses.

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D. BUILDING REQUIREMENTS AND RESTRICTIONS:

1. No property shall be used for any industrial or commercial enterprise with the exception of the following allowable uses: upholstery work; gumsmith work and tackle repairing; art work and frame-making; cabinet making and small woodworking business; and processing of timber products from one's own property within this zoning district.
2. Agricultural use and livestock raising will be allowed, providing there are no commercial uses such as feed lots, boarding or riding stables, commercial feed or pellet mills, commercial saw mills, or commercial animal kennels.
3. All property owners shall build and maintain such fencing as necessary to contain any agricultural animals prior to bringing such animals on the land.

E. SEVERABILITY:

Invalidation of any one of these provisions by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

ENFORCEMENT: Any use or feature in violation of these regulations is hereby found and declared to be unlawful and may be enforced as set out in subparagraph I and II below.

- I. The Ravalli County Commissioners hereby assume responsibility for the enforcement of only those regulations set out in this subparagraph I. Such enforcement shall be discretionary with the Ravalli County Commissioners and shall be civil in nature. The cost of such enforcement shall be paid by Ravalli County. The regulations for which Ravalli County assumes responsibility for enforcement are as follows:

- B. Space and Bulk Requirements
- C. Permitted Uses

- II. Any interested person may bring any appropriate legal action for the enforcement of any of the regulations which apply to this Planning and Zoning District. The cost of such enforcement shall be borne by the person bringing the legal proceeding. Neither Ravalli County nor the Planning and Zoning District shall be responsible for any of the costs associated with any such enforcement proceeding undertaken pursuant to this subparagraph II.

PASSED AND ADOPTED this 9th day of February, 1978.

PLANNING AND ZONING COMMISSION

Jim McKinley  
Jim McKinley, County Commissioner

Hugh E. Cumming  
Hugh E. Cumming, County Commissioner

F.T. Williams  
F.T. Williams, County Commissioner

R. David Schurian  
R. David Schurian, County Surveyor

Cheryl A. Richards  
Cheryl A. Richards, County Assessor

Exhibit "A"

Lots 3 & 4, and the S $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3, T10N, R20W, and Lot 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, T10N, R20W, LPM, being more particularly described as follows:

Beginning at the section corner common to Sections 33 & 34, T11N, R20W, and Section 3 & 4, T10N, R20W; thence S 89°33'58" E, 2640 feet to the NE corner of the NW $\frac{1}{4}$  of said Section 3; thence S 01°20'26" W, 2650.13 feet to the center  $\frac{1}{4}$  corner of said Section 3; thence N 89°40'47" W, 2711.07 feet to the  $\frac{1}{4}$  corner common to said Section 3 & 4; thence S 89°47'22" W, 1310.35 feet to the center-East  $\frac{1}{16}$  corner of said Section 4; thence N 02°20'27" E, 2671.60 feet to the NW corner of Lot 1, said Section 4; thence S 89°33'58" E, 1327.88 feet to the Point of Beginning.

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STATE OF MONTANA  
COUNTY OF RAVALLI

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This is to certify that I, Jim McKinley, did post copies of Notice of Public Hearing on petition for creation of Planning and Zoning District for property in Sections 3 and 4, Township 10 North, Range 20 West, in the following places:

1. On post at the northeast corner of the proposed district on southside of road;
2. On gate post at entrance to Dr. Rossi property.
3. On light pole on corner of road turning south to Dr. Rossi property.

Leha C. Zask  
(Witness)

Jim McKinley  
Jim McKinley, Chairman  
RAVALLI COUNTY COMMISSIONERS

Subscribed and sworn to before met this 28th day of November, 1977.

Darlen E. Hughes  
Notary Public for the State of Montana  
Residing at Hamilton, Montana  
My Commission Expires: April 1, 1980

SEAL

6386

NOTICE OF PUBLIC HEARING ON  
ADOPTION OF PLANNING AND ZONING DISTRICT  
AND ADOPTION OF DEVELOPMENT PATTERN THEREFOR

NOTICE IS HEREBY GIVEN that a petition has been filed for the creation of a Planning and Zoning District in Lots 3 and 4, and the S1/4 of Section 3, Township 10 North, Range 20 West, and Lot 1 and the SE1/4 of Section 4, Township 10 North, Range 20 West.

That pursuant to such petition, the Board of County Commissioners created a Planning and Zoning District embracing the lands within the boundaries as aforesaid and appointed a Planning and Zoning Commission.

That the Planning and Zoning Commission will, on the 8th day of December, 1977 at the hour of 10:00 a.m., at the office of the County Commissioners in the Courthouse in Hamilton, Montana hold a public hearing at which time the Commission will consider:

1. The creation of a Planning and Zoning District within the boundaries aforesaid.
2. The adoption of a development pattern for said district and the building and use restrictions to be made applicable thereto.

The Commission will consider the types of activity that may be conducted therein and the existing non-conforming uses which may be continued.

All person affected by the proposed Planning and Zoning District will be given an opportunity to be heard, to contest or support the adoption of such development district by the Planning and Zoning Commission and the adoption of the development plan therefore.

BY ORDER OF THE PLANNING AND ZONING COMMISSION, dated this 22nd day of November, 1977.

  
Jim McKinley, Chairman  
PLANNING AND ZONING COMMISSION

Publish November 23, 1977

6386

RESOLUTION NO. 160

WHEREAS, a petition was duly filed with the Board of County Commissioners of Ravalli County, petitioning for the creation of a Planning and Zoning District in the area as described in Exhibit "A" attached hereto and made a part of this Resolution, and

WHEREAS, it appears that more than 60 percent of the freeholders affected thereby have signed said petition which is in due form.

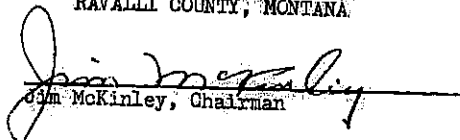
NOW, THEREFORE, it is ordered that a Planning and Zoning District, embracing the lands within the boundaries as aforesaid, is created.

IT IS FURTHER ORDERED that a Planning and Zoning Commission be created and the persons appointed thereon are: The County Commissioners of Ravalli County, being Jim McKinley, D.W. Galbraith, and Hugh G. Cumming; the County Assessor of Ravalli County, being Cheryl A. Richards; the County Surveyor of Ravalli County, being R. David Schurian.

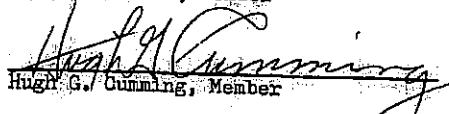
IT IS FURTHER ORDERED that the Planning and Zoning Commission proceed in accordance with the provisions of Title 16, Chapter 41, R.C.M. 1947, as revised.

Dated this 22nd day of November, 1977.

BOARD OF COUNTY COMMISSIONERS  
RAVALLI COUNTY, MONTANA

  
Jim McKinley, Chairman

D.W. Galbraith, Member

  
Hugh G. Cumming, Member

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Exhibit "A"

Lots 3 & 4, and the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 3, T10N, R20W, and Lot 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, T10N, R20W, MPM, being more particularly described as follows:

Beginning at the section corner common to Sections 33 & 34, T11N, R20W, and Section 3 & 4, T10N, R20W; thence S 89°33'58" E, 2640 feet to the NE corner of the NW $\frac{1}{4}$  of said Section 3; thence S 01°20'26" W, 2650.13 feet to the center  $\frac{1}{4}$  corner of said Section 3; thence N 89°40'47" W, 2711.07 feet to the  $\frac{1}{4}$  corner common to said Section 3 & 4; thence S 89°47'22" W, 1310.85 feet to the center-East  $\frac{1}{16}$  corner of said Section 4; thence N 02°29'27" E, 2671.60 feet to the NW corner of Lot 1, said Section 4; thence S 89°33'58" E, 1327.88 feet to the Point of Beginning.

6386



To: County Board of Commissioners, Ravalli County, Montana

From: Zoning Petitioners

We, the petitioners, being ~~seventy seven~~ percent (77%) of the freeholders of property described in the petition signed in August and September of 1977 and by the attached map do respectfully request that the following restrictions be adopted for said property, thereby creating an agricultural-residential zoning district.

1. Present Uses: Present agricultural and residential uses as of the date of this petition may be continued, notwithstanding anything to the contrary contained hereinafter.
2. Future Uses:
  - a. No land shall be sold or conveyed which is less than nine (9) acres in size.
  - b. No property shall be used for any industrial or commercial enterprise with the exception of the following allowable uses: upholstery work; gunsmith work and tackle repairing; art work and frame-making; and processing of timber products from one's own property within this zoning district.
  - c. Agricultural use and livestock raising will be allowed, providing there are no commercial uses such as feed lots, boarding or riding stables, commercial feed or pellet mills, commercial saw mills, or commercial animal kennels.
  - d. No mobile home or trailer parks will be allowed.
  - e. Other small commercial enterprises may be allowed only after requesting a variance to this zoning from the Ravalli County Planning Commission.
3. Building Requirements and General Restrictions:
  - a. Owners and venders of any parcel hereby zoned shall comply with all state laws and regulations of the county pertaining to the State Board of Health and Environmental Sciences.
  - b. All property owners shall build and maintain such fencing as necessary to contain any agricultural animals prior to bringing such animals on the land.

Invalidation of any one of these provisions by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

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December 6, 1977

This is a request to approve the following addition or variance to the original zoning petition. Under 2. b - Future uses - add the following as allowable uses: Cabinet making and small woodworking business.

It is understood that the original zoning petition will not be enacted until and unless this variance addition is approved by the planners and achieves the required number of signatures.

12/6/77 Alan H. Rossi

12/6/77 Donna D. Rossi

Bonnie G. Arno

12/6/77 Stephen F. Arno

12/6/77 Joseph L. Jones

12/6/77 Marion C. Jones

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Oct. 1, 1977.

To: County Board of Commissioners, Ravalli County

From: Zoning Petitioners

We, the undersigned, being seventy-seven Percent (77%) of the freeholders within the boundaries described hereinafter, do petition the Ravalli County Board of County Commissioners to establish a Planning and Zoning District and Commission pursuant to Section 16-4101, et. seq. Rev. Codes of Montana, 1947, to adhere to the described property:

OK Alan Bartlett Rossi Ward

OK Donna Del Rossi

OK Stephen F. Arns

OK Bernice J. Arns

OK James R. Ward

OK Mary Jane Beard 144-790 - Oct 5, 1977

OK Red A. Thompson

OK Mary Thompson

OK James R. Ward

OK Mary E. Ward

6386

To: County Board of Commissioners, Ravalli County

From: Zoning Petitioners

We, the undersigned, being \_\_\_\_\_ Percent ( %) of the freeholders within the boundaries described hereinafter, do petition the Ravalli County Board of County Commissioners to establish a Planning and Zoning District and Commission pursuant to Section 16-4101, et. seq. Rev. Codes of Montana, 1947, to adhere to the described property:

*Jeffrey A. Hart*

*10-14-77*

6386

To: County Board of Commissioners, Ravalli County

From: Zoning Petitioners

We, the undersigned, being Percent ( 3 ) of the freeholders within the boundaries described hereinafter, do petition the Ravalli County Board of County Commissioners to establish a Planning and Zoning District and Commission pursuant to Section 16-4101, et. seq. Rev. Codes of Montana, 1947, to adhere to the described property:

*Joe R. Varney 10/4/77*  
*White M. Varney 10/4/77*

*Owners of SE 1/4 of lot 3, Section 3,  
T.10N, R.20W.*

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To: County Board of Commissioners, Ravalli County

From: Zoning Petitioners

We, the undersigned, being \_\_\_\_\_ Percent ( %) of the freeholders within the boundaries described hereinafter, do petition the Ravalli County Board of County Commissioners to establish a Planning and Zoning District and Commission pursuant to Section 16-4101, et. seq. Rev. Codes of Montana, 1947, to adhere to the described property:

Charlotte Davis 2-5-78  
David L Davis 2-5-78

6386



To: County Board of Commissioners, Ravalli County

From: Zoning Petitioners

We, the undersigned, being                      Percent (    %) of the freeholders within the boundaries described hereinafter, do petition the Ravalli County Board of County Commissioners to establish a Planning and Zoning District and Commission pursuant to Section 16-1101, et. seq. Rev. Codes of Montana, 1947, to adhere to the described property:

o Mrs. Vincent Buck

OK Mr Vincent R Buck

2015

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To: County Board of Commissioners, Ravalli County

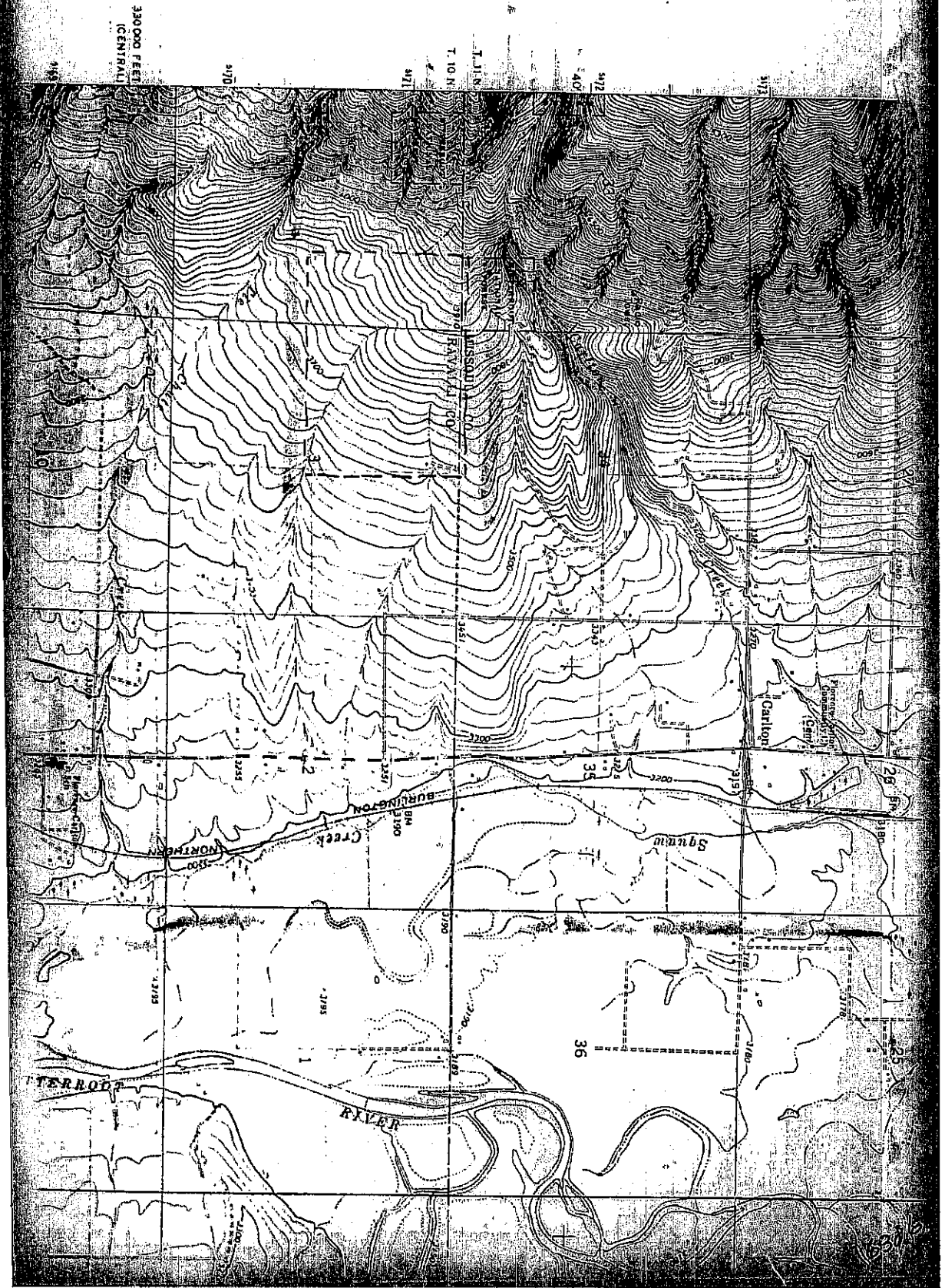
From: Zoning Petitioners

We, the undersigned, being \_\_\_\_\_ Percent ( %) of the freeholders within the boundaries described hereinafter, do petition the Ravalli County Board of County Commissioners to establish a Planning and Zoning District and Commission pursuant to Section 16-4101, et. seq. Rev. Codes of Montana, 1947, to adhere to the described property:

OK *John M. Lark*

OK *James B. Lark*

6386



3326  
3336

I certify that I received and filed this  
instrument on this 10th  
day of Sept, 1928, at 10:27  
A.  
Charles E. Hays  
County Recorder  
McKen  
Deputy